

Meyers, Robert (COE)

INQ 09-153

From: Meyers, Robert (COE)
Sent: Tuesday, September 01, 2009 5:14 PM
To: Meyers, Robert (COE)
Subject: Inquiry

I received a telephone call from Bill Kerdyk on August 27, 2009, City of Coral Gables Commissioner and principal of Kerdyk Realty, located in Coral Gables. Commissioner Kerdyk informed me that one of his associates took a listing from an individual who regularly appears before the City of Coral Gables as a lobbyist. Commissioner Kerdyk wanted to know whether the contractual relationship between his firm and this individual created a conflict for him when the individual appears before the city commission in the future.

After reviewing the county's Conflict of Interest and Code of Ethics Ordinance and consulting with Victoria Frigo, I advised Commissioner Kerdyk on September 1, 2009 that a conflict of interest did not exist prohibiting him from voting on matters when the individual under contract with his firm appears on behalf of a third party. The conclusion was based on two facts: 1) The relationship between Kerdyk's firm and this individual is not one of the enumerated ones identified in the ordinance and 2) Commissioner Kerdyk does not stand to profit from or be enhanced by an action or decision the City Commission makes with respect to the firm/party who is represented by the individual having a listing with his private company. Despite the lack of a legal conflict, I advised the Commissioner that an appearance of impropriety would be created in this case – the fact that the Kerdyk firm has a contractual relationship with the lobbyist and the firm stands to benefit financially is reason alone to drop this listing. Furthermore, any action or vote taken by Kerdyk in his official capacity resulting in a benefit to the firm/individual who is represented by his private client is likely to be viewed suspiciously as well.

Commissioner Kerdyk indicated he agreed and would sever the relationship.

Robert Meyers, Executive Director
September 1, 2009